Criminal Expungement in Minnesota

A Step-by-Step Guide for Pro Se Petitioners

** **Please Note**: This document is intended for general legal information purposes only and it is NOT legal advice. If you need legal advice, please see a lawyer. **

- **Step 1**: Get your records—you will need your entire criminal history to complete the petition.
  - **Court Records:** Go to a Minnesota courthouse and ask a court clerk to print your list of criminal cases. If in Hennepin County, we recommend going to the Self-Help Center and asking for the *expungement packet*, which will include your records.
  - **Bureau of Criminal Apprehension (BCA)**:
    - Send a *notarized* written request **(Sample on Page 21)** with your name, date of birth, and any other names you have used such as maiden or former married names. Enclose a personal check or money order for $8.00 made payable to the BCA, and a self-addressed stamped envelope. ***See sample below.*** **OR**
    - Go directly to the BCA (**1430 Maryland Ave. East, St. Paul**). You will be asked to give your fingerprints and pay $8.00 in exchange for a copy of your record.

tarize and mail this request along with $8.00 and a **Self-Addressed Stamped Envelope** to this address:

CJIS Criminal History Access Unit
Bureau of Criminal Apprehension
1430 Maryland Avenue East
St. Paul, MN 55106

REQUEST FOR COPY OF CRIMINAL RECORD FROM THE BUREAU OF CRIMINAL APPREHENSION

Note: if you are seeking expungement of a predatory offense (for example, criminal sexual conduct), please contact an attorney first

Please mail me copies of both my public and private BCA Criminal Records, both juvenile and adult, to the address listed below:

Write your mailing address

_____
Name

_____
Address

_____

_____
City, State and Zip

Fill this out completely

I understand that the BCA needs the following information to release my records:

Full Name: _____

Maiden Name, Former Married Name, Alias, etc:

_____

Date of Birth: _____

Fill this out in front of a notary

Signature (*You must sign in the presence of a Notary Public*):

_____

Today's Date: _____

I understand that even if I am on public assistance or reside in a shelter the BCA will still not waive the $8.00 cost associated with sending me my criminal record. Enclosed as the payment of the $8.00 fee is: (circle one of the following)

a personal check / a money order / cash (not recommended)

Notarization:
Sworn/affirmed before me this _____ day of _____, 20 _____.

_____
Notary Public \ Deputy Court Administrator

- **Out-of-State Records**: Contact the court clerk at the courthouse where your case took place.

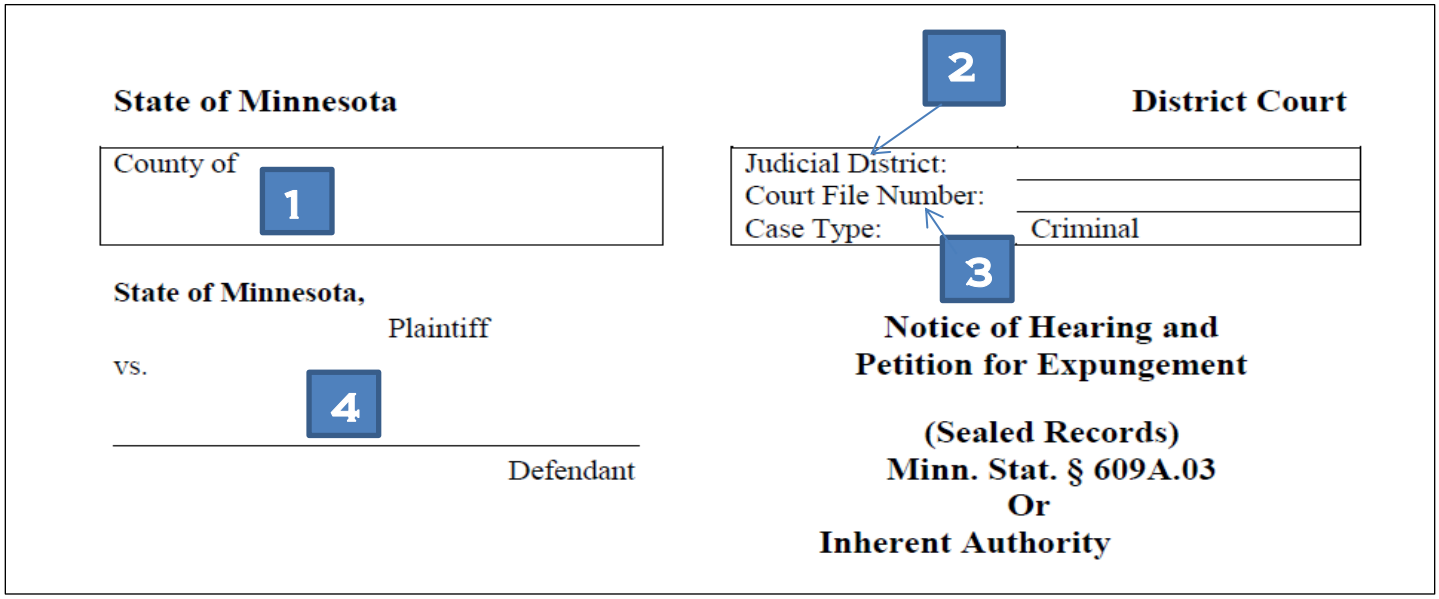
- **Federal Records**: Contact the clerk at the federal district court where your case took place.

❑ **Step 2:** Get the expungement forms

- You will need a set of expungement forms for each case you want to expunge. This packet includes a sample of the Notice/Petition for Expungement and Proof of Service. All forms can be found at: www.mncourts.gov/forms by selecting "Criminal Expungement"
- A complete set of expungement forms includes the following:
  - "Notice of Hearing and Petition for Expungement"— Sample on **pages 22–25** of this packet
  - "Proposed Order." There are 3 separate proposed orders (EXP105, EXP106, and EXP107). Each can be found at: http://www.mncourts.gov/forms under "Criminal Expungement.
    - Instructions for choosing the right order can be found on **page 12** of this packet.
  - "Affidavit (Proof) of Service"— Sample on **pages 26–27** of this packet
- Except for cases resolved in your favor, you will have to pay around $325 to file your petition for expungement. In most counties, this fee is charged per case. If you cannot afford this fee, we recommend that you complete a fee waiver request.
  - "Affidavit for Proceeding In Forma Pauperis" (Fee Waiver Request) — Sample on Sample on **pages 28–30** of this packet.

❖ Completing Notice of Hearing and Petition for Expungement

❑ **Step 3:**.Fill out the top part of the Petition



1 Write out the county where your case took place (incident occurred). You can find this information on the top right hand side of your court record printout (next to "location")

2 Write out the Judicial District where the County in #1 is located. For a list of all judicial districts in Minnesota go to: http://www.mncourts.gov/Find-Courts.aspx. You may also contact the courthouse directly.

3 Write out the case number for the case you wish to expunge. You can find the case number on the printout of your records.

4 Write your current, full legal name.

- ❑ **Step 4:** Fill out the first part of your petition.

Petition for Expungement

1. I state under penalty of perjury that I am petitioning the court for expungement (sealing) of a criminal record.
2. My full name, and all other legal names or aliases I have been known as, are: _____ **5** _____
3. My date of birth is: _____ **6** _____
4. The following are all of the addresses I have lived at since the date of the offense for which I am seeking expungement: (street address, city, state) _____
_____ **7** _____
_____
_____

5 Write out all of the names that you have been known by. Start with your current legal name, and then list any other, such as your maiden and/or married name. Include any misspellings of your name and any other names you have ever used. Separate each name by a semicolon (;).

6 Birth date in this order: Month, Day, Year

7 List all of the addresses you have lived in since the offense. You can start with your current address and work backwards. If you are having trouble remembering an address, we suggest looking through old papers and records to find it. If you still cannot find/remember the information, write down whatever you do remember (ex: "white house on the corner of lake street in Minneapolis, Minnesota").

- ❑ **Step 5**: Explain **why** you want an expungement.

5. I am seeking expungement because (Include whether expungement is sought for employment, housing, or licensure purposes, the statutory or other legal authority under which expungement is sought, and state in detail and with specifics why expungement should be granted. Attach additional pages if necessary.): _____
_____
_____ **8** _____
_____

8 Explain to the judge why you need this record expunged. This is a very important part of your petition; take some time to be detailed and specific. Tell the judge why and how you will benefit from getting this expungement.

Tips: You can start off by explaining (1) how this record has been or is holding you back. People will often comment on how their record is making it nearly impossible to find/keep a job. They'll discuss the hardships they've faced finding affordable housing, and/or the inability to obtain a professional license. You might have other reasons—explain these.

As you start writing, think about ways to prove what you are saying. Do you have a list of jobs you've applied to recently? Were you told that you the only reason you couldn't get hired was because of your criminal record? If you were asked to pay a larger deposit or denied housing, was it because of your record? Describe these situations in as many details as possible. List the types of jobs you applied for, when you applied for them, and why you were denied the position. List the places where you sought housing and the reason for the denial. Try to do this for any of the reasons you've listed. Although not required, you may also attach any documents that help support your statements such as a letter of termination/denial from an employer.

Once you have discussed how the record is holding you back, discuss (2) how your life will be better if this record is expunged. Will you be able to better provide for your family? Will you finally be able to practice your dream profession? Will you be able to find long term, affordable housing? Again, be detailed and specific!

This is a long section. If you need more space, feel free to attach additional pages. If you are attaching pages or documents, make sure to write "see attachments" below the question. You will also want to write "attachment to question #5" at the top of each page/document that is attached in answering this question.

- ❑ **Step 6:** List your entire criminal history.

6. My criminal record including all charges, convictions, stays of adjudication or imposition of sentence and pending actions for misdemeanors, gross misdemeanors or felonies in this state, another state, federal court, or a foreign country, whether the conviction occurred before or after the offense for which expungement is sought, consists of:

Case#	County-State	Type of Charge	Date of Offense	Conviction (Y/N)	Date (If Yes)
9	10	11	12	13	14

Tips: This is an important part of the petition. Make sure to list your ENTIRE criminal history (including pending cases and cases from other states or countries) regardless of the outcome. Include traffic related offenses.

**Have a copy of your BCA and court records close by. Most, if not all of the information needed for this question will be in those records. Continuously refer to these records to make sure you don't miss anything.

If you have charges from a state other than Minnesota, we suggest calling the county/city that handled your case in that state and politely asking a court clerk/administrator for this information.

Some courts will allow you to attach a copy of your record(s) to your petition instead of having to write it all down. If you wish to do so, call the court administrator and ask them if this is possible. Remember, when attaching documents, make sure to write "see attachments" below the question, and write "attachment to question #6" at the top of each record that is attached.

9 Write down the case number for each case. You will be able to find this information on your court record printout.

10 Write down the County and State where the case took place. If the case is from a foreign country, write the name of the country and the city were you were charged.

11 Write down the name of the charge. We recommend copying it exactly as it appears on your record printout. Include the statute number if available. (Ex: "*Burglary-2nd Degree Dwelling, Minn. Stat. 609.582.2(a)(1)*"). If you have multiple charges in a single case, write down the charge(s) for which you were convicted. If every charge in a case was dismissed, write the name of the first charge as it appears on your record.

12 Write the date of the offense in this order: Month, Day, and Year. You can find this information on your BCA or court records.

13 Respond "Yes" if you were convicted. Respond "No" if you were not convicted.

14 If you answered "Yes" to #13, then write down the date of the conviction. You can find this information on your BCA or court records

- ❑ **Step 7:** Affirm that you have no other criminal records and list expungement or pardon information.

7. I have no criminal records, other than listed at #6, in this state or elsewhere. **15**

8. All prior requests for expungement, pardon or sealing of a criminal record, whether for this offense or for any other offense, whether granted or not, that I have made include: _____
_____ **16**
_____

15 By signing this petition, you are affirming that you have included your entire criminal history in question #6. Please take this time to make sure that nothing has been left out.

16 List all prior requests for expungement, pardon, or sealing of criminal record by writing the case number for each. If filing more than one petition, we suggest including the case number of each petition you will be filing. If you have never asked for one, write "NONE."

❑ **Step 8:** Qualifying for an expungement. Select **one** of the following:

9. I qualify for an expungement because:

17 ☐ A criminal case against me for a controlled substance violation has been dismissed and the proceedings have been discharged (use Order Concerning Sealing/Expunging of Record - Minn. Stat. § 609A.02, subd. 1 or 2 (court form EXP106));

18 ☐ I was certified or referenced for prosecution as an adult for a crime I committed when I was a juvenile (use Order Concerning Sealing/Expunging of Record - Minn. Stat. § 609A.02, subd. 1 or 2 (court form EXP106));

19 ☐ A criminal matter was resolved in my favor (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

20 ☐ I successfully completed the terms of a diversion program or stay of adjudication and have not been charged with a new crime for at least one year since completion of the diversion program or stay of adjudication (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

21 ☐ I was convicted of or received a stayed sentence for a petty misdemeanor or misdemeanor and have not been convicted of a new crime for at least two years since discharge of the sentence for the crime (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

22 ☐ I was convicted of or received a stayed sentence for a gross misdemeanor and have not been convicted of a new crime for at least four years since discharge of the sentence for the crime (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

23 ☐ I was convicted of or received a stayed sentence for a felony violation of an offense listed in Minn. Stat. § 609A.02, subd. 3(b), and have not been convicted of a new crime for at least five years since discharge of the sentence for the crime (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105)); or

24 ☐ I was convicted of an offense that does not qualify for expungement under Minn. Stat. § 609A.02, subd. 3, but I have rehabilitated myself. The benefit to me outweighs the disadvantage to the public and the burden on the court (use Findings of Fact, Conclusions of Law and Order to Seal/Expunge Judicial Records Only (court form EXP107)).

Tips: Select the box that applies to the case you want to expunge. Your selection tells the judge why you might legally qualify for an expungement. Please note that even if you meet the minimum requirements to obtain an expungement under Minnesota law, the judge still gets to decide whether to

expunge your case. You will want to talk to a lawyer to find out if you qualify and if it is likely that you will get an expungement.

Note the information in parenthesis at the end of each choice ("court form EXP105/106/107). You will need this court form number to select the correct Proposed Order for you petition.

****It is highly recommended that you speak to an attorney before making a selection****

17 Please speak to an attorney before selecting item 17. Only certain drug cases qualify for expungement under this section (namely, *certain Stays of Adjudication for a first time drug possession offense, successful completion of probation/diversion/treatment, guilty plea vacated and dismissed*.)

18 Item 18 covers a large number of juvenile cases. Please speak to an attorney before making this selection.

19 Select item 19 if the case was resolved in your favor *(dismissed without admitting guilt, without admitting facts on the record, and no finding of guilt)*. Not all dismissed cases are considered resolved in your favor. Speak to an attorney before making this selection. No filing fee required.

20 Select item 20 if (1) you pleaded guilty or admitted facts, (2) the judge gave you probation or diversion, (3) you successfully completed the terms, (3) the case was then dismissed, and (4) you have not been charged with a new crime for **at least one year** since the date of discharge.

21 Select item 21 if (1) you were convicted of a petty misdemeanor or misdemeanor, (2) sentence was discharged, and (3) at least **two years** have passed with no new convictions.

22 Select item 22 if (1) you were convicted of a gross misdemeanor, (2) sentence was discharged, and (3) at least **four years** have passed with no new convictions.

23 Select item 23 if (1) you were convicted of a qualifying felony, (2) sentence was discharged, and (3) at least **five years** have passed with no new convictions. For a list of qualifying felonies please speak to an attorney or refer to Minnesota Statute 609A.02, subd. 3(b), at https://www.revisor.leg.state.mn.us/statutes/?id=609A.02

24 Please speak to an attorney before selecting item 24. If your case does not qualify for expungement as listed above, you may qualify for court records-only expungement.

❑ **Step 10:** Complete the details of the case you want to expunge in this petition.

25

10. The details of the offense I want to expunge are: Case #_____Jurisdiction/City where the offense occurred: _____Type of Offense: _____Date of Offense:_____

This was a ☐ conviction or a ☐ dismissal. Date of conviction or dismissal:_____

Date of discharge from probation/completion of diversion or stay:_____

26

11. The names of the victims in this case are: _____ _____Or, ☐ there were no identifiable victims.

12. There ☐ is ☐ is not a current or prior order for protection, restraining order or other no-contact order prohibiting me from contacting the victims (include copies of any orders to petition).

27

25 Enter the following information for the case you want to expunge:

- Case #: Same as the "court file number" entered on the first page of the petition.
- City (not the county) where the offense occurred: Might be different from where you will be filing the petition.
- Type of offense: Name of the offense you want to expunge (Ex: Burglary-2nd Degree Dwelling, Minn. Stat. 609.582.2(a)(1))
- Date of the offense: Month, day, and year
- Select "conviction" or "dismissal." Write the month, day, and year of the conviction or dismissal.
- If you received probation, diversion, or a stayed sentence, write the date of discharge or completion.

26 Write the name of the victim(s), even if there was no conviction or the case was dismissed. This is an important part of the petition. The judge will want to see that you have taken responsibility for your actions, and a good way to show that is by accepting that your actions harmed someone (or some entity) or could have harmed someone (or some entity). If you don't know or can't remember the specific name of the victim(s), try describing them the best you can.

Examples of victims: If you were charged with stealing from a store, write down the name of the store as the victim in the case. If you were charged with unlawfully receiving public assistance, write down the "state of Minnesota" as the victim.

Some cases, like "drug possession," do not have a specific victim. If your case does not have an identifiable victim, select the box in front of "there were no identifiable victims."

27 If there is now, or was in the past, a court order telling you not to contact the victim, select the box in front of "is." Obtain a copy of the order and attach it to the petition. If there is not and never has been such an order, select the box in front of "is not."

- ❑ **Step 9:** Explain how you have changed your behavior.

13. Since conviction of this offense, I have taken the following steps toward personal rehabilitation, including treatment, work, community involvement, or other personal history (Attach additional pages if necessary.): _____

28

_____

_____

_____

Or, ☐ there was no conviction for this offense. **29**

28 Explain to the judge how you have changed for the better since the incident occurred. This is a very important part of your petition; take some time to be detailed and specific.

Tips: Start off with a simple statement (1-2 sentences) of what happened in the case. Do not re-litigate the case, simply state what factually happened. Even if you believe/know that you were wrongly charged or convicted, do not use this time to get into the specifics of why you were not at fault.

> Example: "*My friends and I were driving on I-94 when a cop pulled us over and searched the car. I was arrested and eventually convicted of possession after they found marijuana in the glove compartment my car.*"

Once you have stated what happened, discuss why it will not happen again. We recommend (1) explaining what you regret the most from that day, and (2) what you have done (or what has changed) since then to prevent that from happening again. Let the judge know you've accepted responsibility by listing specific steps you have taken to make sure you don't find yourself in a similar situation.

> For example: Were you under the influence of drugs or alcohol when the incident occurred?—If so, what have you done to correct the situation? If the incident was the result of an untreated mental illness, have you or are you now receiving treatment? If you were at the wrong place at the wrong time, what have you done to make sure that doesn't happen again? Your situation might be different—explain the steps you have taken to correct it.

Finally, discuss all the great things you have been doing since the offense. Have gone back to school or received vocational training? Have you been volunteering? Are you a new parent? List anything that shows the judge that you have been making positive changes in your life.

Once again, think about supporting your statements by attaching copies of letters or documents that show what you have been doing. Ask counselors, employers, volunteer supervisors, religious leaders, neighbors, or co-workers to write you letters describing the positive steps you have been taking. Attach copies of treatment certificates or school transcripts. There are many ways to show the judge that you are rehabilitated—include those that are specific to your situation.

****Remember, an expungement judge is not there to look at the merits of the original case. Most are interested in knowing that you will not be committing crimes in the future. Do your best to not focus on what happened then (whether or not you were at fault). Instead, focus on the now and on the changes/improvements you've made that will keep you from re-offending.*

29 You can select this box if you did not receive a conviction for the offense you are trying to expunge. However, we strongly recommend answering item 28 even if you were not convicted. This is your only chance to tell the judge in writing all the great things you have been doing since the expungement—take advantage of it!

❑ **Step 10:** Check these boxes as needed.

14. ☐ I request that the court seal any private or confidential data submitted by the responding agencies or jurisdictions (Minn. Stat. § 609A.03, subd. 3(d)). **30**

15. ☐ I request that if expungement is ordered, each agency and jurisdiction that receives the order must send a letter to me at the address provided confirming receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, subd. 8(b)). **31**

30 Select this box if you want the court to seal private or confidential information submitted by the agencies or jurisdiction you served. We recommend checking this box.

31 Select this box if you want the agencies/jurisdictions that receive an order for expungement from the judge to let you know that they have received it and the records have been expunged. We recommend checking this box.

❑ **Step 11:** Explain mitigating or aggravating factors.

16. Please explain any mitigating or aggravating factors relating to the underlying crime, including your level of participation, the context and circumstances of the underlying crime and what risk, if any, you pose to individuals or society.

_____ **32** _____

_____

_____

32 Tell the judge about any mitigating or aggravating factors relating to the crime you want to expunge.

Tips: If you have done a good job answering question #13 of the petition, we recommend that you consider skipping question #16. Instead, simply write "see my discussion in question #13" in the space provided.

If you do choose to answer this question, **beware of the following**: When discussing mitigating factors, it is easy to sound like you are making excuses. The judge is not interested in excuses. DO NOT use this question to re-litigate the case. Avoid statements that make it seem like you have not accepted responsibility for your actions.

- ❑ **Step 12:** Sign the petition.

"I declare under penalty of perjury that everything I have stated in this document is true and correct." Minn. Stat. § 358.116.

County and State where signed _____

Dated: _____

_____
Signature of Petitioner
Name:_____
Address:_____
City/State:_____
Zip Code:_____
Telephone:_____

33

33 Sign and date the petition. Write the county and state where you signed the petition. Fill out your contact information (name, address, and telephone number).

❖ Completing The Proposed Order and Scheduling a Hearing Date

Tips: Once you have completed the Notice/Petition for Expungement for your case, you will need to get a proposed order to go along with it. There are 3 separate proposed orders (EXP105, EXP106, and EXP107). Each can be found at: http://www.mncourts.gov/forms under "Criminal Expungement." Choose the right order for your case by going back to question #9 on your petition. Find the paragraph you selected and note the "court form"—located at the end of each paragraph in parenthesis. You will need to complete a separate order for each petition/case.

Complete only the top part of the order—the rest of the order will be completed by the judge. You can go back to the first page of your petition and transfer the information found at the top of that page.

- ❑ **Step 13:** Fill out the top part of the proposed order for the case you want to expunge in this petition.

EXP: 105

State of Minnesota | **District Court**

County

Judicial District: _____
Court File Number: _____
Case Type: Criminal

State of Minnesota,
Plaintiff

34

Order Concerning Sealing/Expunging of Records

vs.

Minn. Stat. § 609A.02, subd. 3

_____,
Defendant

Date of Birth _____

34 **EXP 105**: Use this order form if you selected the box next to items 19, 20, 21, 22, or 23 for question #9. This information should match the top part of the first page of your petition. Add your date of birth.

EXP: 106

State of Minnesota | **District Court**

County

Judicial District: _____
Court File Number: _____
Case Type: Criminal

State of Minnesota,
Plaintiff

35

Order Concerning Sealing / Expunging of Records

vs.

Minn. Stat. § 609A.02, subd. 1 or 2

_____,
Defendant

Date of Birth _____

35 **EXP 106**: Use this order form if you selected the box next to items 17 or 18 for question #9. This information should match the top part of the first page of your petition. Add your date of birth.

EXP: 107

State of Minnesota | **District Court**

County

Judicial District: _____
Court File Number: _____
Case Type: Criminal

State of Minnesota,
Plaintiff

vs.

_____,
Defendant

Date of Birth _____

36 **Findings of Fact, Conclusions of Law and Order to Seal/Expunge Judicial Records Only**

36 **EXP 107**: Use this order form if you selected the box next to item 24 for question #9. This information should match the top part of the first page of your petition. Add your date of birth.

- ❑ **Step 14:** Schedule an expungement hearing date.

37 **Notice of Hearing**

Notice To Law Enforcement/Government Agency/Prosecutor: Any objection to expungement in this case shall be filed with the court as soon as possible, and within 60 days.

This matter is scheduled for hearing on _____(date) at _____ (time);

at _____(location).

37 Once you have completed your petition and proposed order for the case you want to expunge, you are ready to set a hearing date.

Tips: Call the court administrator for the county/city where your case took place and ask to schedule an expungement hearing. You **must** pick a date that is at least 60 days (plus 3 days for mailing) from the date you plan to mail ("serve") all record holders (explanation below) a copy of your Notice of Hearing/Petition for Expungement and Proposed Order. Record holders must have at least 60 days to respond to the petition before the hearing takes place. Fill in the date, time, and the location of the hearing **before** making copies.

****If possible, we recommend picking a hearing date that is 70-75 days away. This will give you more time to get everything ready and/or deal with any issues that may come up. If the hearing date is less than 63 days from when you mail the papers, it is possible that you will have to start the process again.*

❖ Completing The Proof of Service

Important Terms:

- Record holders: The agencies or jurisdictions that have copies/access to your criminal record and which have an interest in keeping your record unsealed (visible).
  - *Examples*: BCA, Attorney General, Department of Human Services, etc.

- Service: Process of notifying record holders that you will be filing an expungement. You will notify record holders by having *an adult other than you* mail them each a copy of your petition (including all attachments) and proposed order.
  - **NOTE:** If you fail to "serve" (notify) a record holder, the judge will be unable to order them to seal their records if an expungement is granted. However, notifying a record holder does not guarantee that the judge will order them to seal their records.

Tips: Once you have completed the (1) Petition/Notice of Hearing for Expungement, (2) Proposed Order, and (3) obtained a hearing date; you are ready to serve all the record holders.

You will need to complete one proof of service form for each petition/case. This packet includes a sample proof of service form (**pages 26–27)**. Additional copies can be found at www.mncourts.gov/forms by clicking criminal expungement.

Once you complete the proof of service form, you will need to make enough copies of your Notice/Petition (including all attachments) and Proposed Order to send to each record holder. You DO NOT need to send copies of the proof of service to any record holder.

❑ **Step 15:** Complete the top part of the proof of service.

State of Minnesota — District Court

County

Judicial District:
Court File Number:
Case Type: Criminal

State of Minnesota,
Plaintiff

38

vs.

PROOF OF SERVICE

Defendant

38 Complete the top part of the proof of service by going back to the first page of your petition and transferring the information found at the top of that page.

❑ **Step 16:** Complete the mailing addresses for each of the record holders.

1 ☑	**MN Bureau of Criminal Apprehension** CJIS-CCH-Court Orders / Petitions 1430 Maryland Avenue East St. Paul, MN 55106 *(Required)*	5 ☑	_____**County Dept. of Corrections (Probation)** _____ _____ _____ *(Required)*	9 ❑	**MN Dept. of Human Services** Attn: Licensing 444 Lafayette Road N. St. Paul, MN 55155 *(check box & use if related to your case)*
2 ☑	**Office of the MN Attorney General** Suite 1800 NCL Towers 445 Minnesota Street St. Paul, MN 55101 *(Required)*	6 ☑	_____ **County Sheriff's Office** Attn: Records _____ _____ _____ *(Required)*	10 ❑	**MN Dept. of Health** 85 E. 7th Place, #220 P.O. Box 64970 St. Paul, MN 55164-0970 *(check box & use if related to your case)*
3 ☑	**MN Dept. of Corrections** Attn: Records 1450 Energy Park Drive, Ste. 200 St. Paul, MN 55108-5219 *(Required)*	7 ❑	_____**Police Dept.** Attn: Records _____ _____ _____ *(check box & use if related to your case)*	11 ❑	**MN Dept. of Natural Resources** 500 Lafayette Road St. Paul, MN 55155-4040 *(check box & use if related to your case)*
4 ☑	_____**County Attorney's Office** Attn: Criminal Records _____ _____ _____ *(Required)*	8 ❑	_____ **City Attorney's Office (Prosecutor)** Attn: Criminal Division _____ _____ _____ *(check box & use if related to your case)*	12 ❑	**MN Department of Public Safety** _____ Division 445 Minnesota Street St. Paul, MN 55101-5155 *(check box & use if related to your case)*
13 ❑	_____ _____ _____ _____ *(check box & use if related to your case)*	14 ❑	_____ _____ _____ _____ *(check box & use if related to your case)*	15 ❑	_____ _____ _____ _____ *(check box & use if related to your case)*

Tips:

- You are required to notify agencies/jurisdictions 1, 2, 3, 4, 5, and 6 (notice the checkmarks next to each). However, we highly recommend that you notify 7 and 8, especially if your case was anything other than a felony. Depending on your case, you should also consider notifying 9 and 10. You may include others as needed. Use the blank spaces (13 through 15) for any other government agencies not listed in the other spaces, such as the "Board of Nursing," "Board of Teaching," etc.
    - Check the box in front of each agency/jurisdiction you plan to notify.

Notifying record holders is an important part of the expungement process. Please speak to an attorney before deciding which agencies to include or exclude.

- The addresses for 1, 2, 3, 9, 10, 11 and 12 are already filled in. You will need to fill in the addresses for 4, 5, 6, 7 and 8.

- Addresses **4, 5 and 6** will be specific to the *county* where your case took place. These are required
  - For example, if the offense for the case you wish to expunge occurred in Ramsey County, #4 will be filled in with the address for the "Ramsey County Attorney's Office."
  - We suggest calling these agencies directly to ask them for this information. You can also try calling the courthouse where your case took place.

- Addresses **7 and 8** will be specific to the *city* where the offense occurred.
  - For example, if the offense for the case you wish to expunge occurred in the City of St. Paul, #7 will be filled in with the address for the "St. Paul Police Dept."
  - We suggest calling these agencies directly to ask them for this information. You can also try calling the courthouse where your case took place.

❑ **Step 17:** Making copies and preparing mailing envelopes.

- Once you have filled in the addresses for all the agencies/jurisdictions you wish to notify, make copies of the petition and the proposed order—**one for each record holder/agency**. Make sure to also copy all of the attachments. You do not need to make copies of the proof of service.
- Put the documents into envelopes, address the envelopes, and ensure sufficient postage is on the envelopes.
- Make sure there is one envelope for each of the checked agencies.

❑ **Step 18:** "Serving" your petition.

- Have someone who is at least 18 years old and was not involved in the case physically put the envelopes in the mail for you.
- That person should verify that there is an envelope addressed to each of the checked boxes.
- Once mailed, have that same person complete rest of the "proof of service" form (see below).
-

STATE OF MINNESOTA)
) SS
COUNTY OF 44 _____)
(County where Proof of Service is signed)

I, 45 _____ (name of person who mailed the documents), state that on 46 _____ (date), I served the attached documents, *Notice of Hearing and Petition for Expungement* and proposed *Order*, by mailing true and correct copies to the parties checked below at the addresses listed by putting envelopes with sufficient postage in the U.S. Mail in the City of 47 _____.

44 The county where the person who mails your documents signs the "Proof of Service" form.

45 First and last name of the person who mails our documents (physically put the envelopes in the mail).

46 Date when the envelopes where placed in the mail in this order: Month, Day, and Year.

47 City where the documents were mailed.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

_____ _____

Date **Signature** (person who mailed the papers)

48

Printed Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

48 The person who physically mails the envelopes <u>must</u> sign, date, and enter their contact information.

❖ <u>Filing</u> the Petition

Once you have "served" the petition and proposed order on the different agencies, you are ready to file your petition at the courthouse where the case took place. You have to file the following documents:

(1) The Original Petition/Notice of Hearing (including all attachments)
(2) The Original Proposed Order
(3) The signed Proof of Service

** Keep a copy of all the documents for your records.

Tips:

- Please call the courthouse where your case took place for instructions on how to file your paperwork.
  - Some courts will allow you to mail in your paperwork, while others will want you to file your paperwork by going directly to the courthouse.
- **<u>Filing fee</u>**: You will be asked to pay a filing fee (around $325) at the time of filing. If you cannot afford this fee, we recommend that you complete a fee waiver request (Sample on **pages 28–30** of this packet).

- The court will determine if you qualify to have the fee waived. Please call the courthouse where your case took place for instructions. These can also be found here: http://www.mncourts.gov/GetForms.aspx?c=19

- ❑ **Step 20:** Prepare for and attend your Criminal Expungement hearing
  - As you wait for your hearing date, keep in mind the following:
    - You may get letters from the agencies you served with your petition arguing why you should not get an expungement. This happens in many cases, so do not give up on your case because of them. You get to explain to the judge why you deserve an expungement and the other agencies get to argue why you should not get an expungement.
    - Only the judge gets to decide whether or not to grant your expungement, so be sure to still go to court!
    - If you get a letter, read it and write down the reasons why you disagree with the letter. When you go to court, tell the judge why the agencies are wrong.
  - We highly recommend that you observe criminal expungement hearings to prepare for your own.
    - It is better to observe a hearing at the courthouse where your hearing will be taking place. However, you can observe criminal expungement hearings at any courthouse.
    - Call the courthouse to ask when their criminal expungement hearings take place.

Criminal Expungement Hearing Tips:

- ❑ Be prepared to tell your story to the judge in a clear manner. You can write down what you want to say on a notecard and take it with you.
- ❑ Review your copy of the petition the day before the hearing, so that it is fresh in your mind.
- ❑ Dress nicely and remove your hat in the courtroom. You may not chew gum or take any food or beverages into the courtroom.
- ❑ Turn off your cell phone, pager, and anything else that might make noise.
- ❑ Do not bring your children to court.
- ❑ Be on time for the court hearing. The judge does not have to wait for you and you might lose your case if you are late.
- ❑ Plan to get to the courtroom at least 30 minutes early. Be patient if the judge is late. Some cases need extra time.
- ❑ Stand when the judge walks into the courtroom. The judge will tell you when to sit down.
- ❑ Listen carefully to the judge when he or she is speaking. The judge may be giving you important instructions about something you need to do after your hearing or might be telling you his or her decision.
- ❑ You will have a chance to talk. Remain calm and respectful and do not interrupt the judge or the other side. When you are talking to the judge, call the judge "Your Honor." You might feel a lot of emotions, but remain calm. This is your chance to tell your side to the judge, so do your best.
- ❑ Speak clearly and loudly enough so the judge, the court reporter and the other side can hear you.

- ❑ Focus on the facts and the reasons why an expungement will make your life better. Use your notes that you prepared for the hearing, and take notes about what the judge and the other side are saying in the court.
- ❑ Put a copy of your petition and any documents you received from another party in front of you and label them clearly so you can find them quickly during the hearing if you need to.
- ❑ Remember that if you receive a letter from another party (such as the Attorney General's office or the county attorney) objecting to your expungement request, that is NOT a denial from the judge. You still have the opportunity to present your case to the judge and ask the judge to grant the expungement. You should still go to your hearing.
- ❑ Listen carefully to any questions the judge asks you. If you do not understand the question, tell the judge that you do not understand and ask for clarification.
- ❑ Try not to assume that the judge has decided one way or the other based on the questions the judge asks, the judge's demeanor, or anything else.
- ❑ The judge might or might not issue a ruling at the hearing.

After the Hearing:

- ❑ Wait to receive the judge's ruling. It could take two months or longer to receive the ruling.
- ❑ If you change your address after your hearing, call the courthouse and give them your new address so that you will receive a copy of the ruling.
- ❑ Read the order carefully. If you have questions about what the order means, call the Volunteer Lawyers Network at 612-752-6677 and they will help you figure out where you can go for help.
- ❑ If expungement is granted, make sure to keep copies of the order in a safe place. Once the record is sealed, it will be very difficult to obtain new copies of the order.

Get Assistance!

- *Volunteer Lawyers Network*: 612-752-6677 or www.vlnmn.org
- *MN Courts website*: Instructions and forms (http://www.mncourts.gov/ under "criminal expungement")
- *Legal Aid*—to find your local legal aid office go to http://www.lawhelpmn.org/resource/legal-aid-offices
- *Hennepin County Self Help Center* in the Government Center
- *Neighborhood Justice Center*: 651-222-4703—Ramsey County
- *Other counties*, try contacting the public defender's office, or legal assistance organizations where residing.

** **Please Note**: This document is intended for general legal information purposes only and it is NOT legal advice. If you need legal advice, please see a lawyer. **

Sample Documents

SAMPLE

Notarize and mail this request along with $8.00 and a **Self-Addressed Stamped Envelope** to this address:

CJIS Criminal History Access Unit
Bureau of Criminal Apprehension
1430 Maryland Avenue East
St. Paul, MN 55106

REQUEST FOR COPY OF CRIMINAL RECORD FROM THE BUREAU OF CRIMINAL APPREHENSION

Note: if you are seeking expungement of a predatory offense (for example, criminal sexual conduct), please contact an attorney first

Please mail me copies of both my public and private BCA Criminal Records, both juvenile and adult, to the address listed below:

_____
Name

_____
Address

_____

_____
City, State and Zip

I understand that the BCA needs the following information to release my records:

Full Name: _____

Maiden Name, Former Married Name, Alias, etc:
_____

Date of Birth: _____

Signature (*You must sign in the presence of a Notary Public*):
_____

Today's Date: _____

I understand that even if I am on public assistance or reside in a shelter the BCA will still not waive the $8.00 cost associated with sending me my criminal record. Enclosed as the payment of the $8.00 fee is: (circle one of the following)

a personal check / a money order / cash (not recommended)

Notarization:
Sworn/affirmed before me this _____ day of _____, 20_____ .

_____
Notary Public \ Deputy Court Administrator

SAMPLE

State of Minnesota **District Court**

County of

Judicial District:	_____
Court File Number:	_____
Case Type:	Criminal

State of Minnesota,

Plaintiff

vs.

_____

Defendant

Notice of Hearing and Petition for Expungement

(Sealed Records)
Minn. Stat. § 609A.03
Or
Inherent Authority

Notice of Hearing

Notice To Law Enforcement/Government Agency/Prosecutor: Any objection to expungement in this case shall be filed with the court as soon as possible, and within 60 days. This matter is scheduled for hearing on _____(date) at _____ (time); at _____(location).

Petition for Expungement

1. I state under penalty of perjury that I am petitioning the court for expungement (sealing) of a criminal record.
2. My full name, and all other legal names or aliases I have been known as, are:

   _____

3. My date of birth is: _____
4. The following are all of the addresses I have lived at since the date of the offense for which I am seeking expungement: (street address, city, state) _____
   _____
   _____
   _____
   _____

SAMPLE

5. I am seeking expungement because (Include whether expungement is sought for employment, housing, or licensure purposes, the statutory or other legal authority under which expungement is sought, and state in detail and with specifics why expungement should be granted. Attach additional pages if necessary.): _____

_____
_____
_____
_____
_____
_____

6. My criminal record including all charges, convictions, stays of adjudication or imposition of sentence and pending actions for misdemeanors, gross misdemeanors or felonies in this state, another state, federal court, or a foreign country, whether the conviction occurred before or after the offense for which expungement is sought, consists of:

Case#	County-State	Type of Charge	Date of Offense	Conviction (Y/N)	Date (If Yes)

7. I have no criminal records, other than listed at #6, in this state or elsewhere.

8. All prior requests for expungement, pardon or sealing of a criminal record, whether for this offense or for any other offense, whether granted or not, that I have made include: _____

_____
_____

9. I qualify for an expungement because:

- ☐ A criminal case against me for a controlled substance violation has been dismissed and the proceedings have been discharged (use Order Concerning Sealing/Expunging of Record - Minn. Stat. § 609A.02, subd. 1 or 2 (court form EXP106));

- ☐ I was certified or referenced for prosecution as an adult for a crime I committed when I was a juvenile (use Order Concerning Sealing/Expunging of Record - Minn. Stat. § 609A.02, subd. 1 or 2 (court form EXP106));
- ☐ A criminal matter was resolved in my favor (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

- ☐ I successfully completed the terms of a diversion program or stay of adjudication and have not been charged with a new crime for at least one year since completion of the diversion program or stay of adjudication (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

SAMPLE

☐ I was convicted of or received a stayed sentence for a petty misdemeanor or misdemeanor and have not been convicted of a new crime for at least two years since discharge of the sentence for the crime (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

☐ I was convicted of or received a stayed sentence for a gross misdemeanor and have not been convicted of a new crime for at least four years since discharge of the sentence for the crime (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105));

☐ I was convicted of or received a stayed sentence for a felony violation of an offense listed in Minn. Stat. § 609A.02, subd. 3(b), and have not been convicted of a new crime for at least five years since discharge of the sentence for the crime (use Order Concerning Sealing/Expunging of Records - Minn. Stat. § 609A.02, subd. 3 (court form EXP105)); or

☐ I was convicted of an offense that does not qualify for expungement under Minn. Stat. § 609A.02, subd. 3, but I have rehabilitated myself. The benefit to me outweighs the disadvantage to the public and the burden on the court (use Findings of Fact, Conclusions of Law and Order to Seal/Expunge Judicial Records Only (court form EXP107)).

10. The details of the offense I want to expunge are: Case #_____Jurisdiction/City where the offense occurred: _____Type of Offense: _____Date of Offense:_____

This was a ☐ conviction or a ☐dismissal. Date of conviction or dismissal:_____

Date of discharge from probation/completion of diversion or stay:_____

11. The names of the victims in this case are: _____
_____Or, ☐ there were no identifiable victims.

12. There ☐ is ☐ is not a current or prior order for protection, restraining order or other no-contact order prohibiting me from contacting the victims (include copies of any orders to petition).

13. Since conviction of this offense, I have taken the following steps toward personal rehabilitation, including treatment, work, community involvement, or other personal history (Attach additional pages if necessary.): _____
_____
_____
_____
_____

SAMPLE

Or, ☐ there was no conviction for this offense.

14. ☐ I request that the court seal any private or confidential data submitted by the responding agencies or jurisdictions (Minn. Stat. § 609A.03, subd. 3(d)).

15. ☐ I request that if expungement is ordered, each agency and jurisdiction that receives the order must send a letter to me at the address provided confirming receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, subd. 8(b)).

16. Please explain any mitigating or aggravating factors relating to the underlying crime, including your level of participation, the context and circumstances of the underlying crime and what risk, if any, you pose to individuals or society.

_____

_____

_____

"I declare under penalty of perjury that everything I have stated in this document is true and correct." Minn. Stat. § 358.116.

County and State where signed _____

Dated: _____ _____

Signature of Petitioner

Name:_____

Address:_____

City/State:_____

Zip Code:_____

Telephone:_____

SAMPLE

State of Minnesota **District Court**

County

Judicial District:	_____
Court File Number:	_____
Case Type:	Criminal

State of Minnesota,
Plaintiff

vs.

_____
Defendant

PROOF OF SERVICE

STATE OF MINNESOTA)
) SS
COUNTY OF _____)
(County where Proof of Service is signed)

I, _____ (name of person who mailed the documents), state that on _____ (date), I served the attached documents, *Notice of Hearing and Petition for Expungement* and proposed *Order*, by mailing true and correct copies to the parties checked below at the addresses listed by putting envelopes with sufficient postage in the U.S. Mail in the City of _____.

1 ☑	**MN Bureau of Criminal Apprehension** CJIS-CCH-Court Orders / Petitions 1430 Maryland Avenue East St. Paul, MN 55106 *(Required)*	5 ☑	_____ **County Dept. of Corrections (Probation)** _____ _____ _____ *(Required)*	9 ☐	**MN Dept. of Human Services** Attn: Licensing 444 Lafayette Road N. St. Paul, MN 55155 *(check box & use if related to your case)*
2 ☑	**Office of the MN Attorney General** Suite 1800 NCL Towers 445 Minnesota Street St. Paul, MN 55101 *(Required)*	6 ☑	_____ **County Sheriff's Office** Attn: Records _____ _____ _____ *(Required)*	10 ☐	**MN Dept. of Health** 85 E. 7th Place, #220 P.O. Box 64970 St. Paul, MN 55164-0970 *(check box & use if related to your case)*
3 ☑	**MN Dept. of Corrections** Attn: Records 1450 Energy Park Drive, Ste. 200 St. Paul, MN 55108-5219 *(Required)*	7 ☐	_____ **Police Dept.** Attn: Records _____ _____ _____ *(check box & use if related to your case)*	11 ☐	**MN Dept. of Natural Resources** 500 Lafayette Road St. Paul, MN 55155-4040 *(check box & use if related to your case)*

SAMPLE

4 ☑	_____ **County Attorney's Office** Attn: Criminal Records _____ _____ _____ *(Required)*	8 ☐	_____ **City Attorney's Office (Prosecutor)** Attn: Criminal Division _____ _____ _____ *(check box & use if related to your case)*	12 ☐	**MN Department of Public Safety** _____Division 445 Minnesota Street St. Paul, MN 55101-5155 *(check box & use if related to your case)*
13 ☐	_____ _____ _____ _____ *(check box & use if related to your case)*	14 ☐	_____ _____ _____ _____ *(check box & use if related to your case)*	15 ☐	_____ _____ _____ _____ *(check box & use if related to your case)*

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

_____
Date

_____
Signature (person who mailed the papers)

Printed Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

SAMPLE

CONFIDENTIAL

State of Minnesota **District Court**

County

Judicial District:	_____
Court File Number:	_____
Case Type:	

_____
Plaintiff/Petitioner

vs / and

_____
Defendant/Respondent

Affidavit for Proceeding In Forma Pauperis

(Minn. Stat. § 563.01)

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

1. I am a party in this action. I am a natural person (not a corporation, partnership or other entity). In good faith, I request a court order waiving court fees and costs. I cannot support my family and myself and also pay or give security for costs.

2. I believe that I have valid reasons for pursuing this action. **My pleadings** (the Petition, Complaint, Answer, Appeal or other pleading) **are attached.**

3. a. ☐ I am receiving public assistance under one or more of the following **means-tested** programs:

   ☐ MSA (Minnesota Supplemental Assistance Programs);
   ☐ MFIP (Minnesota Family Investment Program);
   ☐ Food Stamps;
   ☐ General Assistance or Discretionary Work Program;
   ☐ MinnesotaCare, Medical Assistance, or General Assistance Medical Assistance;
   ☐ Energy Assistance;

   b. ☐ I am receiving public assistance under some other means-tested program: (Name the program)_____
   I have attached proof that I receive public assistance (such as MFIP card or cancelled check from agency) **or I will provide proof if requested.**

   c. ☐ I receive Supplemental Security Income (SSI) as a resource for meeting my expenses.

4. ☐ I am represented by attorney _____ on behalf of _____a civil legal services program or volunteer attorney program, based on indigency.

5. My family size is _____. (Include yourself, your spouse, your minor children, and other dependents in your household.) For my family size, I counted myself and (list all others):

SAMPLE

CONFIDENTIAL

Name	Age	Relationship to you

6. ☐ My gross **annual** family income (before taxes and deductions) is $_____which is less than 125% of the Federal Poverty Line for my family size of _____ members. **I have attached proof of my family income or I will provide proof if requested.**

7. My gross **monthly** income before taxes and deductions is $_____. My net (take home) **monthly** income is $_____, and the source of that income is: ☐ Job / wages

   ☐ Unemployment ☐ Spousal Support ☐ Trust Income ☐ Social Security
   ☐ Other: _____

8. My spouse's gross **monthly** income before taxes and deductions is $_____ My spouse's net (take home) **monthly** income is $_____, and the source of that income is_____; OR, I do not know my spouse's income because:_____

OR ☐ I am not married.

9. All other family members and dependents living with me have net **monthly** income as follows:

Name of person	Age	Net (take home) monthly income	Source of that Income

10. I receive $ _____ per month in child support (includes medical support and/or child care support.

11. I pay $_____ per month in court-ordered child support (includes medical support and/or child care support).

12. I pay $_____ per month in court-ordered spousal support.

13. I pay $_____ per month for ☐ rent ☐ mortgage payment.

14. I own: Cash $_____
    Checking, savings and credit union accts $_____
    Cars, other vehicles (list make, year and equity value [market value minus unpaid loans])
    _____ $_____
    _____ $_____
    Real Estate (market value minus unpaid mortgage/loans)
    Homestead: $_____
    Other Real Estate: $_____
    Other personal property (jewelry, stocks, bonds, etc. - list separately)
    _____ $_____
    _____ $_____

SAMPLE

15. I am presently $_____ in debt, excluding car loans and real estate mortgage/loans.

16. Other factors which support your request are (explain unusual medical expenses, emergencies, reasons that the family money is not available to you, or other circumstances to help the Judge understand your situation): _____

_____

_____

_____

_____

_____

By signing this Affidavit, I am certifying that these statements are true under penalty of perjury. I understand that if I provide false information on the form it may lead to criminal charges. I understand that failure to execute the form or failure to provide information or requested records may result in denial of my motion to proceed In Forma Pauperis. I am authorizing that the facts contained in this Affidavit may be verified by any means required.

Dated: _____ _____

Signature

Name:_____

Address: _____

City/State/Zip: _____

Telephone: (_____) _____

E-mail address: _____

SAMPLE